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NOV 12 2003

**To:** Wynette**From:** Sonia V. McVean  
Technology Center 2800

Art Unit 2800

**Fax:** 703-306-5515**Date:** November 12, 2003**Phone:** 703-306-3329**Pages:** 5**Re:** ~~09/94,653~~09/994,653 **cc:**

36856.573

**•Comments:**

Dear Wynette,

Please find attached a copy of the following documents that were faxed to (703)872-9318 on August 4, 2003 for the above-identified application:

- A Request for Reconsideration; and
- A Declaration under 37 C.F.R. § 1.130.

I am also including a copy of the auto-reply facsimile transmission.

Thank you very much for your kind assistance with this matter.

Respectfully submitted,



Sonia V. McVean

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being transmitted to  
Group Art Unit 2832, 703-872-9318, addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450.

Date: August 4, 2003

  
Sonia V. McVean

**PATENT**  
**36856.573**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hirofumi FUNAKI	Art Unit: 2834
Serial No.: 09/994,653	
Filed: November 28, 2001	Examiner: K. Addison
Title: PIEZOELECTRIC RESONATOR	

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 7, 2003, please reconsider the above-identified application in view of the following remarks.

Claims 1-11 are pending in this application.

Claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. 6,466,107) in view of Tetsuo (EP 0 247 540). Applicant respectfully traverses this rejection.

Yamamoto (U.S. 6,466,107) qualifies as prior art under 35 U.S.C. § 102(e), and Yamamoto and the present claimed invention were, at the time the invention was made, commonly owned by the same company. Accordingly, Applicant submits herewith a Declaration under 37 C.F.R. § 1.130 which indicates that Yamamoto (U.S. 6,466,107) and the present invention were, at the time the invention was made, commonly owned by the same company. Thus, Applicant respectfully submits that Yamamoto is disqualified as prior art in the present application.

In view of the foregoing remarks, Applicant respectfully submits that Claims 1-11 are allowable.